

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

BENJAMIN RAY O'TOOLE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:23-00459-CV-RK
)	
CASS COUNTY SHERIFF'S OFFICE,)	
)	
Defendant.)	

ORDER

Plaintiff initiated this action on June 30, 2023. (Doc. 1.) He filed an Application for Leave to File Action without Payment of Fees with Affidavit of Financial Status in Support (Docs. 1, 1-1.) The Court concluded that pursuant to § 1915(e)(2)(B), there was no basis upon which the Court may grant Plaintiff leave to proceed in forma pauperis and thus denied Plaintiff's Application for Leave to File Action without Payment of Fees without prejudice. (Doc. 3.) In that Order, Plaintiff was given thirty days to pay the filing fee. (*Id.*) To date, Plaintiff has not paid a filing fee.

Accordingly, the case is **DISMISSED WIHTOUT PREJUDICE**, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute. The Clerk of the Court is directed to mail a copy of this Order to Plaintiff via regular mail.

IT IS SO ORDERED.

s/ Roseann A. Ketchmark
ROSEANN A. KETCHMARK, JUDGE
UNITED STATES DISTRICT COURT

DATED: August 24, 2023